

### **REMARKS**

In view of the amendments and remarks that follow, Applicants respectfully submit that the application is in condition for allowance. Accordingly, applicants request reconsideration of the application, withdrawal of the rejections of record and issuance of a Notice of Allowance.

Claims 1-19 are pending in the application. Claim 5 has been allowed and Claims 1-4 and 6-19 stand rejected for the reasons of record. Claims 1, 5 and 12 have been amended and Claims 13-19 have been canceled. Claim 5 has been amended to add the phrase "or a pharmaceutically acceptable salt thereof." The amendments are not considered to involve the addition of new matter and entry thereof is respectfully requested.

#### **Rejections Under 35 U.S.C. § 112, second paragraph**

Claims 1-4 and 6-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office notes that the recitation of "and pharmaceutically acceptable salts, prodrugs, enantiomers, diastereomers and solvates thereof" in Claim 1 renders Claim 1 and its dependent claims indefinite. The Office points out that Markush recitation should be in alternate form and in singular.

Claim 1 has been amended as suggested by replacing "and" with "or" and reciting salt, enantiomer and diastereomer in singular. Prodrugs and solvates have been deleted as noted below.

The Office also notes that it considers the word "prodrug" to be indefinite.

While disagreeing that the word "prodrugs" is indefinite, Claim 1 has been amended to delete the term "prodrugs" to expedite the prosecution of the claims that are indicated as allowable.

#### **Rejections Under 35 U.S.C. § 112, first paragraph**

Claims 1-4 and 6-19 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for making salts of the claimed compounds, does

not reasonably provide enablement for making prodrugs of the claimed compounds. The Office has summarized the factors to be considered in making an enablement rejection and concluded that the claims are not enabled.

Applicants disagree that the specification does not provide any direction. As noted by the Office, pages 11 and 12 of the specification provide more than enough direction to one of ordinary skill in this particular art to prepare prodrugs of the compounds of the invention. References are provided in the specification on page 14 showing various forms of prodrugs and their synthesis. Clearly one skilled in the art would be able to use these references and the knowledge in the art to prepare prodrugs of the instantly claimed compounds.

However, while disagreeing with the Office's conclusion, Claim 1 has been amended to delete the term "prodrugs" to expedite the prosecution of the claims that are indicated as allowable.

Claims 1-4 and 6-19 are also rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for making salts of the claimed compounds, does not reasonably provide enablement for making solvates of the claimed compounds.

Applicants disagree that the specification does not provide any direction. Clearly one skilled in the art would be able to use the knowledge in the art to prepare solvates of the instantly claimed compounds.

However, while disagreeing with the Office's conclusion, Claim 1 has been amended to delete the term "solvates" to expedite the prosecution of the claims that are indicated as allowable.

Claims 12-19 are also rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for treating rheumatoid arthritis, does not reasonably provide enablement for treating any proliferative diseases, any or all cancer and/or any or all "diseases associated with signal transduction pathways operating through growth factor receptors". The Office argues that "the specification does not enable any physician skilled in the art of medicine, to make the invention commensurate in scope with these claims.

The Office goes on to conclude, after considering a number of factors, that undue experimentation would be required to practice Applicants' invention.

While disagreeing with the Office's conclusion, Claims 13-19, as noted above, have been canceled in order to expedite the prosecution of the claims that are indicated as allowable. Claim 12 has been amended to claim a method of treating rheumatoid arthritis in view of the Office's comments.

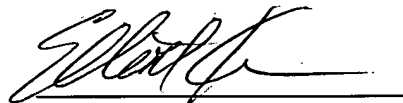
Applicants gratefully acknowledge the indication that Claims 5 is allowable.

In view of the foregoing, Applicants submit that the application is in condition for allowance and courteously solicit a Notice of Allowance.

If any fee due is not accounted for herein, please charge such fee to Deposit Account No. 19-3880. If any extension of time is required and not petitioned for, such extension is hereby petitioned for, and it is requested that any fee due in connection therewith be charged to the aforementioned Deposit Account.

The foregoing response is believed to be fully responsive to the outstanding Office Action. If a direct personal communication would advance the prosecution of this application, please contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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